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DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

METHOD FOR FORMING CAPACITOR

Case No, 09792909-0307 (P00,0253), the specification of which

(check one) X is attached hereto
was filed on April 7, 2000, as
Application Serial No. 09/545,549
and was amended on _____
(if applicable)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims as amended by any amendment referred to above.

I acknowledge the duty to disclose to the United States Patent Office all information which is known to me to be material to the patentability of this application in accordance with Titel 37, Code of Federal Regulations. 1.56¹

I do not know and do not believe this invention was ever known or used in the United States of America before my or our invention thereof, or patented or described in any printed publication in any country before my or our invention thereof or more than one year prior ot this application, that the same was not in public use or on sale in the United States of America more than one year prior to this application, and I believe that the invention has not been patented or made the subject of an inventor's certificate issued before the date of this application in any country foreign to the United States of America on an application filed by me or my legal representatives or assigns more than twelve months prior to this application, and that no application for patent or inventor's certificate on this invention has been filed in any country foreign to the United States of America prior to this application by me or my legal representatives or assigns, except as identified below:

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below:

Prior Foreign Application(s)		
Number	Country	Date
P11-102048	Japan	April 9, 1999

and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the above listed applicationon which priority is claims:

Prior Foreign Application(s)		
Number	Country	Date

¹ (b) Under this section, information is material to patentability when it is not cumulative to information already of record or beind made of record in the application, and

- (1) It establishes, by itself or in combination with other information, a *prima facie* case of unpatentability of a claim; or
- (2) It refutes, or is inconsistent with, a position the application takes in:
 - (i) opposing an argument of unpatentability relied on by the Office, or
 - (ii) asserting an argument of patentability.

A *prima facie* case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden of proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

If no priority is claimed, I have identified all foreign patent applications filed prior to this application:
 Prior Foreign Application(s)
 Number Country Date

And I hereby appoint the following members of the law firm of Sonnenschine, Nath & Rosenthal:

David R. Metzger (Reg. No. 32,919), Howard B. Rockman (Reg. No. 22,190), Joseph A. Mahoney (Reg. No. 38,956), Jordan A. Sigale, (Reg. No. 39,028), Michael A. Molano (Reg. No. 39,777), Michael L. Kiklis (Reg. No. 38,939), Janelle D. Strode (Reg. No. 34,738), Kevin W. Guynn (Reg. No. 29,972), Jennifer Hammond (Reg. No. 41,814), Lana Knedlik (Reg. No. 42,748), John F. Griffith (Reg. No. 44,137), Marina Saito (Reg. No. 42,121), Alison P. Schwartz (Reg. No. 43,863), Christopher P. Rauch (Reg. No. 45,034), Francisco Rubio-Campos (Reg. No. 45,358), Brian J. Gill (Reg. No. 46,727) and Shashank S. Upadbye, as my attorneys with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith and direct that all correspondence be forwarded to:

David R. Metzger
 SONNENSCHINE NATH & ROSENTHAL
 80th Floor - Sears Tower
 233 S. Wacker Drive, Chicago, IL 60606
 Telephone 312/876-8000
 Facsimile 312/876-3974

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor TOMOYUKI HIRANO

Inventor's signature Tomoyuki Hirano Date August 24, 2000
 Residence Kanagawa, Japan
 Citizenship Japan
 Post Office Address c/o Sony Corporation, 7-35, Kitashinagawa 6-chome
Shinagawa-ku, Tokyo 141, Japan

Full name of second inventor HAYATO IWAMOTO

Inventor's signature Hayato Iwamoto Date August 24, 2000
 Residence Kanagawa, Japan
 Citizenship Japan
 Post Office Address c/o Sony Corporation, 7-35, Kitashinagawa 6-chome
Shinagawa-ku, Tokyo 141, Japan

Full name of third inventor _____

Inventor's signature _____ Date _____
 Residence _____
 Citizenship _____
 Post Office Address _____